

## REMARKS

### INFORMATION DISCLOSURE

Enclosed is a PTO/SB/08B form and two documents whose pertinence is set forth in the specification, but which were not previously submitted.

### Art rejections

The art rejections are respectfully traversed.

Since the references are many and complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

The Examiner's other rejections and/or points of argument not addressed would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

### Claims 1, 11, and 21

Claim 1 recites at least one rule. The rule includes at least one condition and an action item to performed. Fig. 3 shows the preferred embodiment of such rules. It should be noted that "rule" is a term of art in the field of expert systems. Enclosed is a printout from [www.ncwebonaedia.com](http://www.ncwebonaedia.com), an online dictionary of computer terminology, showing that a rule is a conditional statement that tells the system how to react in a particular situation. Not just any expert system uses rules. Rules are a particular type of technology that is only used in some expert systems.

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Against this recitation, the Examiner cites Imagawa at col. 1, lines 47-63. This paragraph — so far as Applicants can tell — neither teaches nor suggests anything about a “rule” that includes a condition and an action item to be performed. The paragraph only describes performance of a system. Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 1.

Claims 11 and 21 are analogous to claim 1 in this respect.

### Claims 2, 7, 12, and 17

These claims recite that a media player is to be paused if user activity indicates that the user is not “paying attention to said media player.” These claim do not recite merely that the user is not paying attention to a particular program. The user is not paying attention to the player.

Against this recitation, the Examiner adds the Johnson reference. He refers to a part of Johnson where a user is entering a command into a player. If the user is entering a command into the player, the user is paying attention to the player, even if the user is not paying attention to a particular program. Accordingly, this section of Johnson fails to teach or suggest taking action in response to a user not paying attention to a player.

### Claims 3, 8, 13, and 18

These claims recite that recording is initiated responsive to an indication that the user is not paying attention to the player. Again, the claims do not recite that the user is merely not paying attention to the program, but rather not paying attention to the player.

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Against this recitation the Examiner cites Ismail. The cited section relates to recording a program in response to a user generating a pause input. However, if the user is requesting a pause that means the user is paying attention to the player. The user might not be paying attention to the program, but the user is paying attention to the player when entering a pause input. Accordingly, the cited section fails to teach or suggest the claimed invention.

### Claims 4, 9, 14, and 19

These claims recite that a media player enters a power save mode when a user activity suggests that the user is not paying attention to the media player. The activity is detected, per the independent claims from which these depend, by use of audio and/or video focused on the user.

Against these recitations, the Examiner cites Kimoto. In Kimoto, as characterized by the Examiner, power save mode is initiated in response to a monitor not being in use for a long time. Detecting that a monitor has not been in use fails to teach or suggest detecting a user activity using audio and/or video. Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against these claims.

### Claims 6, 16, and 22

These claims are amended. The amendment is in part broadening in not restricting the claim scope to media players, but rather extending it to all devices. The amendment also adds the limitation that the activity that is identified is not related to controlling the device. This distinguishes patentably over the Imagawa reference where the gestures that are detected, so far as Applicants can tell, appear to be related to controlling the device.

REMARKS

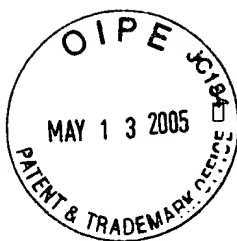
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Applicants respectfully submit that they have addressed each issue raised by the Examiner — except for any that were skipped as moot — and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

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# rule

Last modified: Sunday, September 01, 1996

(1) In word processing and desktop publishing, a straight line that separates columns of text or illustrations.

(2) In expert systems, a conditional statement that tells the system how to react to a particular situation.

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